

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

VERSUS

RAMON DE LA CERDA

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CRIMINAL DOCKET

NO. 15-564

STATUS REPORT REGARDING CAPITAL CASE REVIEW PROCESS

Ramon de la Cerda faces charges in this case which carry a possible death sentence, if the United States Attorney's Office is authorized by the Department of Justice to seek the death penalty.

The process for determining whether that authorization is provided by the Department of Justice is dictated by Title 9-10.000 of the Justice Manual and is intended to result in a decision "based upon the facts and law applicable to the case and set within a framework of consistent and even-handed national application of Federal capital sentencing laws." 9-10.030 of the Justice Manual. The Department of Justice's review process provides an opportunity for input from defense counsel for the defendant facing the possible authorization of a capital prosecution: "In any case in which the United States Attorney or Assistant Attorney General is contemplating requesting authorization to seek the death penalty or otherwise believes it would be useful to the decision-making process to receive a submission from defense counsel, the United States Attorney or Assistant Attorney General *shall* give counsel for the defendant *a reasonable opportunity* to present information for the consideration of the United States Attorney or Assistant Attorney General which may bear on the decision whether to seek the death penalty." Title 9-10.080 of the Justice Manual (emphasis supplied). This defense submission, along with a memorandum from the United States Attorney's Office and other materials, are provided to the Capital Case Section

of the Department of Justice. *Id.* The Capital Case Section then schedules a conference where, again, defense counsel is given the opportunity to provide information: “No final decision to seek the death penalty shall be made if defense counsel has not been afforded an opportunity to present evidence and argument in mitigation.” Title 9-10.130 of the Justice Manual. Recommendations are then made to the Attorney General, who then makes the decision concerning whether authorization to seek the death penalty is granted. Title 9-10.130 of the Justice Manual (“The Attorney General will make the final decision whether the Government should file a notice of intent to seek the death penalty.”)

The Capital Case Section had scheduled a conference concerning Mr. de la Cerda’s case, which was to occur on May 4, 2020. Undersigned counsel, in light of the Court’s recent order concerning counsel issues in this case and other issues, requested that the United States Attorney’s Office ask the Capital Case Section to delay the meeting, to give undersigned counsel a “reasonable opportunity” to develop and present evidence and argument as to why the death penalty should not be sought in this case. The Government agreed to this request and the Capital Case Section has rescheduled the conference for Mr. de la Cerda’s case to September 14, 2020 to accommodate undersigned counsel.

Attorney Gladden has conferred with counsel for each of the defendants in this case who have not entered plea agreements and are still facing trial. Counsel for these defendants indicated that they have no opposition to the extension sought by undersigned counsel.

Accordingly, undersigned counsel submit this status report.

Respectfully submitted,

/s/ William M. Sothern

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CERTIFICATE OF SERVICE

This certifies that I electronically filed the foregoing pleading with the Clerk of Court by using the CM/ECF system that will send a notice of electronic filing to all counsel of record on the 17th day of April, 2020.

/s/ William M. Sothern

WILLIAM SOTHERN, La. Bar No. 27884